
CONSIDERATIONS
ON THE
PEERAGE-BILL;

Address'd to the

W H I G S.

K Great Britain
Lord House

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PEERAGE BILL;

Added to the

W. H. I. G. S.

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PEERAGE-BILL;

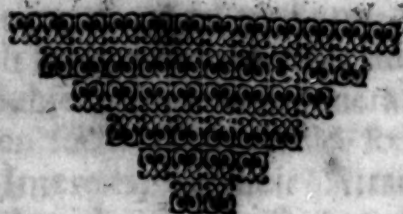
Address'd to the

WHIGS.

bill read 14 March 1719

By a Member of the Lower House.

Piscator ictus sapit.



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Considerations

ON THE

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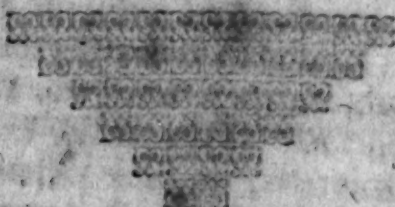
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By a Member of the Lower House.

Thomas Paine



NO. 1



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CONSIDERATIONS

ON THE

Peerage-Bill, &c.

MOST Authors who have of late Years employ'd themselves in writing on Subjects that have been the Occasions of Debate in Parliament, have seem'd to aim more at the Approbation and Applause of those, who were already of the same Opinion with themselves, than to attempt to draw over others to the like Sentiments. And perhaps, they have had too much Reason to make that their chief Aim; for the Subjects they have generally writ upon, have been such, as concern'd so nearly Men's private Interests, or their Attachments to a Party, that the strongest Arguments would probably have very little Effect upon them. This way of Writing, has occasion'd most of our modern Pamphlets being filled with Reproaches, Reflections, and Ill Language, toward those who differ'd in Opinion from them: Which

Which might gratify the Spleen and Passions of the Persons they strove to please, but could never make a Convert. And this Practice has been more especially encouraged, by those who had the fewest Arguments to produce for their Opinion. I am sure I have no Temptation to follow their Example; for I shall address my self to none but such who make it apparent, they are neither guided by Private Interest, nor Party Zeal: I mean those Gentlemen, who are neither affraid nor ashamed to own themselves Whigs; Friends to the King, nay even to the Ministry, and yet out of an Apprehension that it will be detrimental to their Country, are Enemies to the Peerage-Bill. I apply my self singly to the Gentlemen of this Character, because I have not Faith enough to believe I can convince any one Tory, to approve a Bill, which, I must own, appears very little calculated to advance the Interest of the Party they are engaged in, or the Principles of submitting with unlimited Obedience to Arbitrary Power, which they profess; but which none of them are willing to practice. If therefore I am read with as much Candour by those I write to, as I am sure I mean to write; and if I can but persuade one single Gentleman to vote in this approaching Point, in the same Manner I shall do my self, unless I am convinced that the contrary is my Duty, I shall think my Labour very well rewarded.

Without

Without any farther Introduction, and without considering what has, or has not already appear'd in Print upon the Subject, I shall proceed, in the first Place, to state the Objections which are generally made against Passing the *Peerage Bill*; and to give such Answers to them, as I am capable of.

Object. I. The first and great Objection, is, That we are told it would be a Breach of our Constitution, which ought to be kept Sacred and Inviolable.

Before I go on to answer this Objection, I must take Notice, that 'tis absolutely necessary to understand in what Sense the Word *Breach* is here made use of: Otherwise this Objection will amount to no more than a meer idle, popular way of speaking; which in the more large and comprehensive Sense of the Word, may be strictly true; and yet in the common and more usual Acceptation of it, may be entirely false. This way of Argument may serve in a Pulpit, or in any other Place, where no body is at liberty to contradict, or to ask for an Explanation; but will never prevail in Print, or in any Assembly, where every one is equally at liberty to speak his Thoughts, or to give an Answer. It may serve to halloo on an unthinking giddy Mob, against a Set of People one does not like; but it will never influence Gentlemen of Sense and Consideration, in so great a Point as this is, unless it will allow of an Explanation. Any
private

private Man, nay, I think the King himself, acting in Opposition to any known Law of the Land, is guilty of a Breach of that Law: But should King, Lords, and Commons, agree in an Alteration of any Law, no body would call that a Breach of it. So whoever has taken the Abjuration Oath, and acts contrary to it, is guilty of a Breach of that Oath: But should he be discharg'd from it by due Course of Law, he could no longer properly be said to break it. Let us therefore agree in a Word which needs no Explanation, and say, That such a Bill as is now proposed, would be an *Alteration* of the Constitution. This puts an end to that mighty Bugbear which, I fear, frightens many People, and leaves us at Liberty to debate calmly, whether such an Alteration be expedient or not.

Our Constitution is now very Old, perhaps the oldest in the World; (for Arbitrary Power, to which most Nations have been forced to submit, does not deserve the Name of a Constitution;) but I am confident it had never subsisted to this Age, had not our Predecessors always *alter'd* it, as the Necessity of the Times required; particularly by curbing and lessening the Prerogative of the Crown, in those Branches where it was, or most probably would be, abused. But those Alterations generally cost very dear before they were obtain'd. Not to go so far back as the Barons Wars, to which we owe our *Magna Charta*, I shall only give two or three Instances within the

the Memory of many Men living; none of which could never have been obtain'd without a Restoration, which was the Consequence of a Bloody Civil War: Nor the others without a Revolution, which was occasion'd by the Arbitrary Government of a bigotted Prince: And all of them are owing to the Abuses which were made of the Regal Prerogative in the preceeding Reigns. The first I shall mention is the Triennial Act, which pass'd in the Reign of King *Charles II.* by which the King is oblig'd to hold a Parliament once in three Years at the least. This was a great *Alteration* of the King's Prerogative, who might before have call'd a Parliament, or not, just as He and his Ministers thought fit. And truly, his Father, *Charles I.* seem'd to have very little Inclination ever to do it; could he have prevail'd with his People, either by Persuasion or Force, to supply him with Money his own way. This therefore our wise Predecessors took care to prevent for the future, the very first Opportunity they had.

After the Revolution, when all Men were turning their Heads to prevent the Necessity of Another, they thought the Regal Power still too great, with regard to holding of Parliaments; and therefore pass'd another Triennial Act, of a different Nature, which determin'd the Continuance of each Parliament to three Years likewise: So that now the King was neither at liberty to call a Parliament at pleasure, nor to keep it if he liked it. Both of which were

very Antient, and very Great Prerogatives of the Crown.

But there happen'd another very considerable Alteration in the Regal Power, soon after the Revolution; so material to the Authority and Influence of the Crown. that even King *William*, that Wise and Good Prince, whose Memory must be dear to every Free-born *Briton*, once (at least) refused his Consent to it. I mean that Act, by which the Judges, who before held their Seats (nay and their Salaries too) *durante Regis bene placito*, were confirmed in them, *quam diu se bene gesserint*. King *James*, whose Business was first to enslave us, and then to make us Papists, had prevail'd with a Set of Sycophants, then upon the Bench, to justify the dispensing Power he affected, by their approbation; and the worthy Patriots who had just then dethroned him for it, were resolved to lop that dangerous Branch of the Prerogative which help'd to support him in it; and not to be frighted by the first Refusal, even from their Deliverer.

I shall mention no more Instances of this kind, but hope these will be sufficient to convince every thinking Man, that every Branch of the Constitution is not at all times to be preserved *Sacred* and *Inviolable*; nay, that sometimes it is not only expedient and advisable to make considerable *Alterations* in it, but absolutely necessary for the Preservation of the Whole: Particularly to defend the Liberties of the People from the Encroachment

(II)

ments of the Crown, by an Exorbitant Use of the Prerogative, which alone makes our Constitution valuable. Thus having, I hope, sufficiently proved that all Changes in the Constitution are not unwarrantable, I proceed to consider those Objections, which are made against the Expediency of such an *Alteration*.

Obj. II. The next Objection, and that which is loudest in the Mouths of all those who are Enemies to the Bill is, That this would give too great a Power to the Peers; that so small a Number might easily agree to overturn the entire Frame of Government; that 'twould be impossible for the King and Commons combined to resist them; and that out of an Apprehension of Danger from the Crown, we poor Commoners should all become Slaves to the Lords, and our Constitution would dwindle into an Aristocracy.

This again wants only an Explanation, to make it appear in a very different Light. It sounds very popular and plausible that the Crown being limited, and the Number confined to the present Peerage, must increase the Power and Weight of the present Peers. This I grant very readily, that it makes every individual Peerage, much more valuable: But I absolutely deny that it adds one tittle more to the aggregated Body. Did the *East India* or *South Sea* Company consist of a less number of Proprietors, the Dividend would certainly be greater to each Subscriber, but their

weight and influence with Regard to the Publick, as a Corporation, would be proportionably less. Surely Gentlemen can't mean that their *Legal* Authority would be encreas'd by it, because that, at first sight must appear false in Fact. There is no addition made to any one Branch of the Authority they have at Present, by any one Clause of the Bill propos'd. Their Voice in Passing a Law continues the same, their Judicature is neither granted nor confirm'd, and in short, they are only left in Possession of the Privileges they now enjoy, without the least Variation. Oh! but we are told when once the Lords are sure, the Crown cannot interpose by a Fresh Sett of Peers, those in Possession will not have any Regard to what they may or may not do by Law, but will obstinately adhere to their own Will and Pleasure, till they bring both King and Commons to comply, and so become our sole Lords and Masters themselves. The contrary of which I think to be the apparent Consequence of the Bill propos'd. Power will always follow Property, and no body can deny, but had the fresh Supplies of rich Commoners been excluded from the Upper House, the landed Interest there, had by this Time, been very inconsiderable. The more we confine and streighten that Supply, the less Danger shall we be in from that part of the Legislature; and the more Wealth is continu'd among the Commoners, the greater will be the Influence of the Lower House.

So

So that instead of this Objection's being of any Weight, it encreases the Ballance on the other Side the Question. I am one of those who have no Apprehension of being a Slave but from the Concurrence of the whole Legislative Authority to make me so, and I think that is much more likely to happen if Matters continue as they are, than if the Alteration propos'd be agreed to. The Peers we now have, (which by the Bye are double the Number within a very few Reigns) are able either by their own absolute Authority, or by interposing between two contending Interests, to choose above a Hundred and Fifty Members of the Lower House; and I would not doubt to name at least that number who in former Parliaments have owed their Seats to their Influence. Were the same proportion of Encrease to continue but a few Years longer, 'twere easie for the Peers to elect a Majority of the Commons: The Lords might concur with the Measures of the King, to whom they owed their Titles and their Honour, and the Commons might be directed by those to whom they owed their Seats in Parliament, and then both would conspire to make the Remainder of the Nation Slaves to any succeeding King, who should wish to be absolute; while the poor People must submit with Patience to the Usurpation, for want of Leaders to maintain their Liberties, were they never so desirous to preserve them. This appears to me to be the undoubted Consequence

quence of continuing the present unlimited Power of making Peers, and I declare for one, I am so far a Common-wealths-man, (the common name of Reproach with which all Whigs are branded) that were I to make the fatal Choice, I would rather be a Slave to a collective Body of my Countrymen, than submit to the Capricious Authority of a single Arbitrary Tyrant. I have endeavour'd to answer this Objection as briefly and as clearly as I can, and I hope have shewn sufficiently, that the Freedom of the People is in much more danger by *encreasing* than by *confining* the Number of Peers.

Object. III. I come now to an Objection not against the Body of the Bill, nor against the general Purport and Scheme of it, but against one Particular Branch which seems to be inseparably link'd with it, and that is the Part relating to the Peers of *North-Britain*, which we are told, is a *Breach* of the Union. And here I must desire the Reader to look to my Remarks upon the first Objection, and be persuaded to call it an *Alteration* of the Union, but not a *Breach* of it. The wisest Men on Earth can't pretend to form a Law of the most trifling Nature, so as to be adapted to continue to perpetuity; and the Great King of the *Medes* and *Persians*, who made a Decree for a few Weeks which could not be alter'd, repented his Rashness very severely even in that short space of its continuance.

The

The Union was form'd by the ablest Heads then within this Island, and they were so far from supposing it possible good Government could long subsist upon the strength of Laws then in Being, or of such as they might at that time form, that they provided a proportionable number both of Lords and Commons to sit in Parliament on the Part of *Scotland*, to take Care of the Interests of that Part of the united Kingdom for the time to come. They could not foresee what time has since made too apparent, that the whole Body of the *Scotch* Nobility would at all times be implicitly govern'd by the Court in the Choice of their Representatives; nor that those Representatives would always be intirely guided by the Power that chose them. That has prov'd the Case, and fatal it had lik'd to have prov'd in the last Reign to the whole Community. And should any other Article of the Union appear to me equally Dangerous to the Whole, I would readily give my Vote for the *Alteration* of it. 'Tis an Absurdity to imagine any Form of Government, without an absolute Authority lodg'd somewhere, to enact any new Laws, and to alter the old ones in every Instance where it appears necessary. That Authority in *Great-Britain* is lodged in the Legislature, (where alone I hope it will ever continue) and by virtue of it, they are equally entituled to alter this as any other known Law of the Land, whenever it shall appear necessary or expedient so
to

to do; by which Consideration alone, every particular Member of each House, ought to determine his own Vote in this, as in all other Cases. I know I shall be immediately told, That,

Object. IV. This is an Injustice to the electing Peers of *Scotland*, giving away their Right without their Consent; and above all the rest, a notorious Breach of Trust in their Representatives if they consent to it. I think what I mention'd in the last Paragraph, that an Absolute Authority must be lodged somewhere, answers the first part of this Objection intirely: For what is done by such an Authority, cannot properly be branded with the Name of Injustice. But I will venture to go farther, and affirm it is not done without their Concurrence, if the latter part of the Objection be true, that their Representatives are consenting to it. There is no Maxim more known than that, *Qui facit per alium, facit per se*, which needs no Application. If this had happen'd four Years since, the Gentlemen to whom I am writing would not have fail'd to have had this Objection severely retorted on them, when they themselves voted for the Septennial Bill, by which they postpon'd their Electors Rights for seven Years, which they had otherwise been entituled to before this time. But the exigency of Affairs, the good of the Whole, and the full Powers with which they were entrusted, was then

then their Argument and Excuse. If it was a good One then, it is so still, and I am persuaded none of us do yet repent the Vote we then gave. Doing it by consent of the *Scotch* Lords of Parliament, certainly obviates all that might have been otherwise alledg'd of the Hardship it would be, if the *English* Lords and Commons should combine together to injure the other Part of the United Kingdom, meerly by virtue of their superior Strength. As to the Breach of Trust in the consenting *Scotch* Lords, the full Powers with which they are entrusted, are their sufficient Justification to Act in every Instance as they think best for the whole Community. But I can't forbear smiling, when I hear this Breach of Trust mention'd by an *English* Commoner, as an Argument why he himself is against the Bill. I beg leave to state a Case I think directly Parallel; Suppose Mr. ———, or any other Gentleman, should possibly be chosen by the Interest of a Nonjuror, at the Expence of the Pretender, and entrusted with the Care of his Concerns; Suppose, I say, such a one should possibly give a Vote for the Interest of his Country and our present happy Establishment. Could his breach of Trust be of the least weight with me, or prevent my voting the same way I always thought it my Duty and Interest to do?

Object. V. Another Objection is, That every Commoner has a natural Right of being made

a Lord, if the Crown thinks fit, and we rob our Selves and our Posterity of their Birth-right, by concurring in this Bill.

This indeed is a prevailing Argument, Self-interest will always have its Weight, and I fear may have a great deal too much in the present Case. But it is meer Self-interest, void of all Care or Concern for the good of their Country, in all those who are sway'd by this Objection *singly*, to oppose this Bill; and therefore this needs very little Answer, since I fancy few People will be hardy enough to own it for their *only* Reason. The Extinctions which will probably happen, will be sufficient to reward those, who can possibly have real Merit enough to deserve a Peerage: Baronies indeed will not be so plenty as to be lavish'd away by the Dozen on those, who perhaps pay for them, or because they are grown Rich, think it beneath them to continue of a Rank with those, who a few Years since would not have made Them their Companions.

Object VI. This Bill is destroying the Foundation of Honour, which always has, and always ought to spring from the Crown, and to flow without restraint where-ever the Monarch pleases.

To this I answer, That this Bill is very far from destroying the Fountain, or diverting the Stream, it only confines it within Bounds, and prevents it's overflowing. The King is still the Spring-Head, but it will indeed prevent

vent the pouring out such a Deluge as would soon drown, and destroy the whole Community. If by this be meant that 'tis an inviolable branch of the Prerogative, I must again refer the Reader to the Answer to the first Objection.

Object. VII. It sounds very odd to hear People in the same Breath, make another Objection directly opposite to the former, and tell you, the number of Peers is already too great, and Why will you give the King a Power of making so considerable an Addition at present? Let us put those two Objections together, and see how they will run. The King has at present an undoubted Right of making as many Peers as he pleases, and it is unjust and unreasonable to take that Power away; but his Majesty is pleas'd, out of his great Goodness, to offer to resign it for the future, therefore we ought to take it from him immediately without allowing him to add one to the present Number. This is our way of shewing our Gratitude, and this is what has been always call'd the Characteristick of an Englishman, never to know when we are well. 'Tis like refusing an Estate which a Friend offers us in Reversion, but we scorn to accept without his resigning his present Interest, tho' it proceeds from his Generosity alone, that we can possibly have the least Pretension to it either now or hereafter.

Object. VIII. The last Objection I shall take Notice of, is, That this is a Design meerly calculated with a private View to support and establish the present Ministry. If it were true that this were the only Consequence, and the only Aim of this Bill, I would heartily concur in the Objection, and suppose it fram'd with some sinister View, to the prejudice of my Country. But with me that is not the Case, and I hope others will agree with me in the same Sentiments; That 'tis very unreasonable to oppose a Thing, I otherwise think very advantageous to the Publick, meerly because it may possibly contribute to the Support of a Ministry; Ministers who establish their Interest upon such a Foundation, as is at the same Time highly for the Interest of their Country too, deserve very well of all their Fellow Subjects; And while they follow such Measures which I approve, as a Whig; such as tend to the Support and Establishment of our Religious and Civil Rights, so long I will not be ashamed of concurring with them; without fear of being call'd a Tool, or a Courtier.

I can't leave this Head without observing, That should our present Ministers have an inclination to do any thing that would not well stand the Test of a future Enquiry, none of those who are Enemies to the Peerage-Bill, could ever blame them, if they take Care, while it is in their power, to provide a sufficient number of Persons they can confide in,

to be their Judges. But the Fact is, that since this Ministry no Peers have been made: Whereas, had they been able to obtain His Majesty's Consent to the Creation of two or three *per Ann.* according to the Precedents, and yet less than the proportion of their Predecessors; they might have clapp'd eight or nine more Peers already into the Upper House; they might still proceed in the same Course, and without giving any fresh Occasion of Complaint, have oblig'd more of their Friends than they have done. This plain piece of Justice is due to them.

Having examined the several Objections which occur'd to me, I shall add a very few Words to endeavour to perswade Gentlemen to the Reasonableness of Passing such a Bill, and particularly at this Time. The immediate Occasion of this Proposal, is too fresh in every Man's Memory, to need to be repeated. At the latter End of the Queen's Reign, a Ministry were got at the Head of Affairs, who were resolv'd if possible to keep there, at any Rate; though the Welfare and Liberty of their Country, and the Protestant Succession, should be the Sacrifice to their Ambition. That Noble Body of Patriots, the Peers, at that Time made a glorious Stand against their pernicious Designs, and the Earl of Ox——d himself might very probably have gone the next Day to the Tower, with his White Staff in his Hand, had not the Queen been prevail'd upon to exert her unlimited Power

Power in an unprecedented Manner, by creating a Dozen of Lords at a Time, to prevent the Censure of her Favourite. This had the desired Effect, and was very near bringing all their other Schemes to Perfection: But Providence interposed, and we are happy. I remember very well, how loudly we all exclaim'd against this Exorbitant Power; how zealously every one resolved to endeavour to prevent the like for the future, if it should ever be possible to do it: But few were sanguine enough to hope ever to see a King upon the Throne so good and gracious, as to consent to the Remedy; much less to make an Offer himself of so inestimable a Jewel of the Crown, merely out of Love and Affection to his People; and out of a Desire to transmit the Enjoyment of our Civil and Religious Liberties to our Posterity, and to establish them for ever. His Majesty, with great Reason, professes to value himself, on being the first who has made us such an Offer, and we may with very good Reason be affraid, that He may be the last from whom we can ever expect it. Then it was we first thought of what is now brought so near to Perfection: The wish'd for Opportunity is now come, and what shall we say in Excuse for our selves, if we refuse to lay hold on it.

All that I have said upon this Subject has been as a Commoner; as one who expects to live and die such; and with an earnest Desire that that Body of Men, of which I am
 one,

one, may be as considerable, as they now have it in their Power to make themselves. The vast Number of Peers we have, and the constant daily Additions to them, made it almost scandalous to continue a Commoner. Every Man of a great Estate, however it were obtain'd, every Man who appear'd considerable in any Profession, has of late Years been pretty certain, by some Means or other, of an Advancement to the Peerage. The Passing of this Bill will, I hope, streighten the Door of the Upper House, and make the Entrance much more difficult. This will be a Means of keeping Gentlemen of great Fortunes, and great Parts longer among us ; and then I am confident the Respect shewn to the Commons of *England* will be proportionably encreased. This is my Notion, and this I am confident will be the Effect, if this Bill passes into a Law : Let who will imagine that none but the Lords will reap any Advantage by it, till I am convinced by Reason that it is so, I will venture to declare for one, that for the sake of the Commons, and meerly as Commoner, I shall give my Vote for Peerage-Bill.

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